

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

ESTELLE L. FINNEY,

3:10-cv-06030-HU

Plaintiff,

ORDER

v.

COMMISSIONER SOCIAL SECURITY  
ADMINISTRATION,

Defendant.

MARSH, Judge

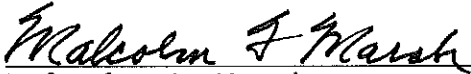
Magistrate Judge Hubel issued a Findings and Recommendation on September 17, 2013, recommending that plaintiff's Motion for Attorney Fees (#29) pursuant to 42 U.S.C. § 406(b) be granted. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b). No objections have been timely filed.

When neither party objects to a Magistrate Judge's Findings and Recommendation, this court is relieved of its obligation to review the record *de novo*. United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); see also United States v. Bernhardt, 840 F.2d 1441, 1444 (9th Cir. 1988). Having reviewed the legal principles *de novo*, I find no error.

Accordingly, I ADOPT Judge Hubel's Finding and Recommendation (#31). IT IS ORDERED that plaintiff's Motion for Attorney Fees (#29) pursuant to 42 U.S.C. § 406(b) is GRANTED. Plaintiff is awarded attorney's fees in the sum of \$11,995.00. Pursuant to Gisbrecht v. Barnhart, 535 U.S. 796 (2002), plaintiff's counsel must refund to plaintiff the lesser award of attorney's fees granted by this court on November 14, 2011, under the Equal Access to Justice Act, in the amount of \$4,149.38, if such amount is received.

IT IS SO ORDERED.

DATED this 15 day of October, 2013.

  
Malcolm F. Marsh  
United States District Judge